

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of.: Breitenbach, A. & Wolff, H.-M.
Serial No.: 10/630,633
Filed: July 29, 2003
Title: HOT-MELT TTS FOR ADMINISTERING ROTIGOTINE
Group Art Unit: 1615
Examiner: Tran, S.T.
Confirmation No.: 9056
Docket No.: 6102-000068/US
Client Ref.: P/Br/I/5/02

SUBMITTED ELECTRONICALLY VIA EFS-WEB

May 18, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Request for Withdrawal of Finality

This paper is in response to the Final Status of the Office Action dated March 19, 2009 in the above referenced application.

REMARKS begin on page 2 of this paper.

REMARKS

Applicant's representative respectfully submits that the finality of the Office Action dated March 19, 2009 is premature and respectfully requests consideration of the following remarks and withdrawal of finality.

Maintenance of the 35 U.S.C. §103 rejections is based on mischaracterization of pending claims. Independent Claim 18, which was not amended in the previous reply of December 22, 2008, expressly includes melting components of the cement matrix, which includes rotigotine. This is in contradistinction to the Examiner's Response to Arguments on page 7, lines 1-2 of the Office Action dated March 19, 2009, where it is alleged the method claims do not require melting the active agent. Accordingly, withdrawal of finality is requested and Applicant's representative requests reconsideration of the claims that include melting of rotigotine in view of the remarks found in the Amendment filed December 22, 2008.

If personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

Dated: May 18, 2009

By: 

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